

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #14	CCRB Case #: 201707210	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/25/2017 12:20 AM	Location of Incident: § 87(2)(b) 41st Precinct stationhouse	Precinct: 41	18 Mo. SOL 2/25/2019	EO SOL 2/25/2019	
Date/Time CV Reported Fri, 08/25/2017 3:20 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/31/2017 4:31 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Rothschild	31315	954300	041 PCT
2. SGT Thomas Manning	01789	930644	041 PCT
3. POM Brian Tam	09424	958109	041 PCT
4. SGT Avlon Beazer	01298	929696	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Azad Mahmood	02538	945944	041 PCT
2. POM Sergey Pogosyan	24198	963215	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Thomas Manning	Abuse: Sergeant Thomas Manning entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.SGT Thomas Manning	Abuse: At § 87(2)(b) in the Bronx, Sergeant Thomas Manning damaged § 87(2)(b) property.	§ 87(2)(b)
C.SGT Thomas Manning	Force: At § 87(2)(b) in the Bronx, Sergeant Thomas Manning pointed his gun at § 87(2)(b).	§ 87(2)(b)
D.SGT Thomas Manning	Force: At § 87(2)(b) in the Bronx, Sergeant Thomas Manning pointed his gun at § 87(2)(b).	§ 87(2)(b)
E.POM Michael Rothschild	Force: At § 87(2)(b) in the Bronx, Police Officer Michael Rothschild pointed his gun at § 87(2)(b).	§ 87(2)(b)
F.POM Brian Tam	Force: At § 87(2)(b) in the Bronx, Police Officer Brian Tam pointed his gun at § 87(2)(b).	§ 87(2)(b)
G.SGT Thomas Manning	Force: At the 41st Precinct stationhouse, Sergeant Thomas Manning used physical force against § 87(2)(b).	§ 87(2)(b)
H.SGT Avlon Beazer	Abuse: At the 41st Precinct stationhouse, Sergeant Avlon Beazer threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b) § 87(2)(g)		

Case Summary

On August 25, 2017, Lieutenant Raymond Kwong of the 41st Precinct called the IAB Command Center to report that Dwanye § 87(2)(b) was injured while in police custody at the 41st Precinct stationhouse and transported to § 87(2)(b). This complaint was received at the CCRB on August 31, 2017.

On August 25, 2017, at approximately 12:20 a.m., Sgt. Thomas Manning, PO Michael Rothschild, and PO Brian Tam, all of the 41st Precinct, responded to § 87(2)(b) in the Bronx at the request of employees of the Administration for Children's Services ("ACS"). Sgt. Manning, PO Rothschild, and PO Tam forced entry into the apartment, damaging the front door of the apartment in the process (**Allegation A and B: Abuse of Authority**, § 87(2)(g)), and allegedly pointed their guns at § 87(2)(b) and his § 87(2)(b)-year-old daughter, § 87(2)(b) (**Allegations C – F: Force**, § 87(2)(g)).

§ 87(2)(b) was arrested for § 87(2)(b) (Board Review 01) and transported to the 41st Precinct stationhouse. There, Sgt. Manning allegedly pushed § 87(2)(b) (**Allegation G: Force**, § 87(2)(g)) and Sgt. Avlon Beazer of the 41st Precinct allegedly threatened § 87(2)(b) with the use of force (**Allegation H: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(g)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

There is no video evidence in this case.

Findings and Recommendations

Allegation A – Abuse of Authority: Sergeant Thomas Manning entered § 87(2)(b) in the Bronx.

Allegation B – Abuse of Authority: At § 87(2)(b) in the Bronx, Sergeant Thomas Manning damaged § 87(2)(b) property.

It is undisputed that Sgt. Manning, PO Rothschild, and PO Tam forcibly entered § 87(2)(b) apartment.

§ 87(2)(b) (Board Review 03) testified that on August 24, 2017, at approximately 5:00 p.m., § 87(2)(b) an ACS worker, arrived at his home with four unidentified police officers. § 87(2)(b) wife, § 87(2)(b) answered the door and was arrested on an outstanding bench warrant. § 87(2)(b) briefly came to the door as well, but did not wish to speak to anyone and went back inside of the apartment. § 87(2)(b) was escorted from the scene in police custody, leaving § 87(2)(b) home with his two daughters, § 87(2)(b)-year-old § 87(2)(b) and § 87(2)(b)-year-old § 87(2)(b). Approximately five hours later, § 87(2)(b) woke up to § 87(2)(b) tapping his arm and pointing toward the front door of the apartment. § 87(2)(b) exited his bedroom and observed that his apartment front door was "off the hinges." Sgt. Manning and PO Rothschild were standing in the interior hallway of the apartment.

§ 87(2)(b) (Board Review 04) testified that she arrived to conduct a home visit for § 87(2)(b) and § 87(2)(b) and was accompanied by two unidentified officers due to her contentious relationship with § 87(2)(b). Upon arrival, § 87(2)(b) answered the door and was arrested on an outstanding bench warrant. § 87(2)(b) refused to allow § 87(2)(b) inside to

see § 87(2)(b) and § 87(2)(b) § 87(2)(b) left, but returned to the apartment approximately five hours later, after having obtained an entry order from a judge. Sgt. Manning, PO Rothschild, and PO Tam met § 87(2)(b) outside of the apartment. The officers knocked on § 87(2)(b) door, but there was no answer, so the officers forced entry into the apartment.

Sgt. Manning (Board Review 05), the supervisor on scene, testified that he was responding to a job to assist ACS workers. Upon arrival, the ACS workers told Sgt. Manning that during the previous tour, officers arrested § 87(2)(b) from inside of the apartment, leaving her two children alone with § 87(2)(b) who the ACS workers described as “extremely violent.” The ACS workers presented Sgt. Manning with an order of protection, which stated that § 87(2)(b) could not make contact with the two children who were currently in his care. Sgt. Manning knocked on § 87(2)(b) apartment door approximately 50 times over the course of two minutes, but there was no answer. Sgt. Manning could hear running water inside of the apartment, which heightened his concern for the safety of the children inside. Believing the matter was too time-sensitive to call ESU, Sgt. Manning ordered PO Tam and PO Rothschild to force entry into the apartment. PO Tam and PO Rothschild took turns kicking the front door until it was breached, at which point, Sgt. Manning, PO Tam, and PO Rothschild entered the apartment.

PO Rothschild (Board Review 06) and PO Tam (Board Review 07) both testified that Sgt. Manning ordered them to force entry into the apartment because § 87(2)(b) failed to answer the door for the ACS workers after they knocked for approximately five minutes.

The Order on Application for Access to the Children and Home (Board Review 08), issued by Family Court Judge § 87(2)(b) on § 87(2)(b), authorized officers to forcibly enter § 87(2)(b) if § 87(2)(b) failed to allow ACS workers entry into the residence. Order of Protection #§ 87(2)(b) (Board Review 09), signed by Family Court Judge § 87(2)(b) on § 87(2)(b), mandated § 87(2)(b) to stay away from the home of § 87(2)(b) and § 87(2)(b) and to refrain from all communication with them.

A City Involved Accident Report (Board Review 10) was prepared by PO Rothschild, documenting that the front door of § 87(2)(b) apartment sustained damage as a result of the forcible entry into the apartment.

According to NYPD Patrol Guide, Procedure 215-22 (Board Review 11), officers may assist ACS when executing an order of entry endorsed by a Family Court judge. According to NYPD Patrol Guide, Procedure 215-03 (Board Review 12), officers may initiate emergency removal proceedings if there is reasonable cause to believe the health and life of children are in imminent danger.

§ 87(2)(g)

Allegation G – Force: At the 41st Precinct stationhouse, Sergeant Thomas Manning used physical force against § 87(2)(b)

§ 87(2)(b) testified that at the 41st Precinct stationhouse, Sgt. Manning told § 87(2)(b) that he was going to “cosign with ACS.” § 87(2)(b) did not specify what this was in reference to. § 87(2)(b) told Sgt. Manning he must have been a nerd in school. § 87(2)(b) acknowledged that some of his saliva “may have” landed on Sgt. Manning while he spoke due to his close proximity to Sgt. Manning. In response, Sgt. Manning allegedly balled his fists and raised his forearms to his chest. Believing Sgt. Manning was going to strike him, § 87(2)(b) turned his body sideways. Sgt. Manning allegedly jumped towards § 87(2)(b) and pushed him with two hands on the side of his torso to the floor, causing § 87(2)(b) to allegedly fracture a rib. § 87(2)(b) was transported to § 87(2)(b) while still in police custody. He sought no additional medical treatment for this injury upon his release from custody.

§ 87(2)(b) medical records from § 87(2)(b) (Board Review 14) reflect that he complained of pain to his left ribs after being “assaulted by cops.” X-rays revealed no rib fracture and no other injuries were noted. § 87(2)(b) was prescribed Motrin for pain. He refused to sign his discharge papers. § 87(2)(b) told medical personnel that he planned to go to another hospital where they would find a rib fracture.

§ 87(2)(b) (Board Review 15), was in the holding cell directly across from § 87(2)(b) during this aspect of the incident. She testified that “spray” came out of § 87(2)(b) mouth while he spoke to Sgt. Manning, and that Sgt. Manning placed two hands on § 87(2)(b) chest and pushed him to the floor.

Sgt. Manning testified that upon § 87(2)(b) arrival at the 41st Precinct stationhouse, § 87(2)(b) was agitated, cursed at the officers, and called them pigs. Sgt. Manning lodged § 87(2)(b) inside of a holding cell, but did not remove his handcuffs due to his demeanor. Approximately one hour later, believing § 87(2)(b) had calmed down, Sgt. Manning returned to the holding cell to remove § 87(2)(b) handcuffs. Sgt. Manning removed § 87(2)(b) handcuffs and § 87(2)(b) suddenly turned around to face Sgt. Manning. Sgt. Manning ordered § 87(2)(b) to turn back around. § 87(2)(b) called Sgt. Manning a “bitch” and a “punk” and spat in Sgt. Manning’s face. Believing § 87(2)(b) would be easier to control on the floor, Sgt. Manning grabbed one of § 87(2)(b) wrists and pulled § 87(2)(b) down to the floor. § 87(2)(b) landed flat on his stomach and Sgt. Manning inadvertently fell on top of him. At this time, Sgt. Mahmood, the 41st Precinct Desk Sergeant, approached, and he and Sgt. Manning pulled § 87(2)(b) hands behind his back and handcuffed him. § 87(2)(b) then spat on Sgt. Mahmood.

Sgt. Mahmood (Board Review 16) testified that when § 87(2)(b) arrived at the 41st Precinct stationhouse, § 87(2)(b) yelled “Fuck you! Fuck your mother! You guys are pigs!” as he was processed at the front desk. Approximately 30 minutes later, Sgt. Mahmood heard § 87(2)(b) yelling “Fuck you!” from a holding cell. From the front desk, Sgt. Mahmood looked up through a window facing the holding cell area and observed “two bodies” positioned against each other. Sgt. Mahmood was unable to describe this observation in more detail and was unable to distinguish who he was looking at. Sgt. Mahmood immediately ran to the holding cells and found § 87(2)(b) on the floor. Sgt. Mahmood could not recall how § 87(2)(b) was positioned on the floor. When Sgt. Mahmood grabbed § 87(2)(b) arms to lift him off the floor, § 87(2)(b) spit in Sgt. Mahmood’s eye.

§ 87(2)(g)

[illegible][illegible]

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 26)

- Sgt. Manning has been a member-of-service for 16 years and has been a subject in four CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)
- PO Rothschild has been a member-of-service for five years and has been a subject in two CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)
- PO Tam has been a member-of-service for three years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- Sgt. Beazer has been a member-of-service for three years and has been a subject in one CCRB complaint containing one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 5, 2018, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards to this complaint (Board Review 27).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: #14

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date